

Bernstorff's view of the probability of its leading to vigorous representations to Great Britain, and possibly to Congressional action imposing an embargo on contraband shipments to the Allies. It is generally agreed that Germany will not offer satisfaction for the Lusitania without strong prospects of obtaining something in return.

The State Department believes the Frye case will be arbitrated substantially in accordance with the terms of the German note just received. Except for minor disagreements as to procedure, the two governments are already at an understanding in the matter, and will refer the question of indemnity for the William P. Frye to two experts, while the question of law involved will be submitted to The Hague.

Germany's Promise of Safety.

The most important part of the text of the Frye note relating to the sinking of the ship carrying contraband and the safety of non-combatants follows:

"Until the decision of the permanent court of arbitration the German naval forces will sink only such American vessels as are loaded with absolute contraband when the preconditions provided by the Declaration of London are present. In this the German government quite shares the views of the American government. It is understood that the German government will take the security of the crew and passengers of a vessel to be sunk."

"Consequently the persons found on board of a vessel may not be ordered to disembark except when the general conditions—that is to say, the weather, the condition of the sea and the neighborhood of the coast—afford absolute certainty that the boats will reach the nearest port. For the rest the German government begs to point out that in cases where German naval forces have sunk neutral vessels for carrying contraband no loss of life has yet occurred."

Germany declined, however, to have the commissioners who will settle the Frye damages meet in Washington because it is pointed out that the German expert, Dr. Greve, of Bremen, director of the North German Lloyd, would be exposed to danger of capture during a voyage to America. The committee of the conduct of maritime war by England contrary to international law. It is suggested that the German and American experts might get in touch by correspondence.

Opposes Choice of Empire Now.

Germany also declines to assent at this time to the nomination of an umpire in the absence of a determination of whether the experts would settle damages or principles. Germany refuses to have an umpire consider the question of principle. In case the United States insists that an umpire meet in Washington and that an umpire be named at once, Germany suggests that the damages be arranged by diplomatic negotiation.

For the arbitration of the Prussian-American treaty Germany in the note proposes a special court of five from the permanent court at The Hague, of which each country shall choose two and the four shall choose the fifth, to meet at The Hague on June 15.

The special court would decide whether under the Prussian-American treaty "the belligerent contracting party is prevented from sinking merchant vessels of the neutral contracting party for carrying contraband when such sinking is permissible, according to the general principles of international law."

U. S. Protests to Britain Seizure of Neutral Mail

Washington, Jan. 8.—Basing its action chiefly on information furnished by Chevalier Van Rappard, the Netherlands Minister, the State Department has protested energetically to Great Britain against the seizure and detention of mails going to and from this country. The note is said to have been delivered already to the British Foreign Office. Replies received from London to previous inquiries concerning such acts are regarded by Secretary Lansing as unsatisfactory.

In some quarters the State Department's action is taken as an indication that grievances against Great Britain will be vigorously prosecuted from now on. A note to all Allied Powers protesting against placing cotton and certain other articles on the contraband list is also in preparation, though it may be delayed for some time, owing to the intricacy of the questions involved.

WHITMAN ORDERS RILEY TO PLEAD

Prison Head Must Answer
Charges by Tuesday—
Removal to Follow.

SING SING OFFENCES LAID TO GOVERNOR

Refusal to Take Advice and Support of Osborne Responsible, Says Superintendent.

(From a Staff Correspondent of The Tribune.) Albany, Jan. 8.—Prison Superintendent Riley must answer charges of misconduct in office before Governor Whitman at noon on Tuesday. Then the Governor intends to remove him from office. The charges were served on the Prison Superintendent this evening, following his refusal to resign.

Riley intends to force Governor Whitman to remove him. He said tonight he would fight the charges and under no circumstances quit until he had presented a strong verbal defense to the Governor.

The charges followed a series of letters, in which the Prison Superintendent placed responsibility for conditions at Sing Sing prison on Governor Whitman. Riley asserted that he followed the Governor's advice in continuing Warden Osborne in charge. He also said that the Governor's conclusions were based on statements of persons "interested in maintaining the deplorable conditions at Sing Sing prison."

Governor Whitman accuses Riley of misconduct in office, in that on or about January 4 he knowingly and with intent to break down the management of one of the prisons under his jurisdiction and to hamper the work of the warden ordered the transfer of sixty-six convicts to Dannemora, and that said action was contrary to the best interests of the Prison Department and of the State.

As early as April 1 called your attention to the six hundred prisoners housed in Sing Sing by placing two men in a cell. Later I told you that I had information that not only did gross immorality prevail in the prison but that felonious assaults were frequent, and that, despite department regulations, the warden refused to report these cases.

"Notwithstanding that you were fully advised of these conditions, you still insisted on retaining the warden, and the result was the indictment of a large number of prisoners for unmentionable crimes and the warden's gross mismanagement and other felonies, did you consent to his removal."

"As soon as a new warden was appointed I attempted to correct the abuses, especially that of housing two men in a cell when there was ample room at Great Meadow and Clinton prisons. You criticized my action, the effect of which must necessarily be to continue the present revolting conditions."

Governor Whitman said to-night that he had not offered Superintendent Riley's place to anyone. He would not, however, that he had several names under consideration, among them General Bingham.

Osborne's Friends Accuse Riley of Sing Sing Plot

A letter corroborating the charges that Superintendent of Prisons Riley had been active in a conspiracy against Governor Whitman was mailed yesterday to Governor Whitman by those closely associated with Mr. Osborne. Mr. Osborne would make no comment yesterday, except to deny that he had sent Mr. Osborne any letter to-day to the parole board objecting to the release of William West on parole next Thursday. Willett is said to have been fighting Mr. Osborne actively. In several instances he has assisted District Attorney Weeks, of Westchester.

General Theodore A. Bingham, to whom the post of Superintendent of Prisons was said to have been offered, would make no statement yesterday. He denied, however, that Whitman had talked about his possible appointment to the Public Service Commission. So many demands have been received

DIAMONDS BLOCK TRAFFIC

Negroes Find Bag Containing Gems and Dispute Holds Up Vehicles.

ASKS U. S. ACTION ON ARMED STEAMER

Zwiedinek Calls Lausing's Attention to Verdict's Gains.

Washington, Jan. 8.—Baron Erich Zwiedinek, Chargé of the Austro-Hungarian Embassy, today informally called to the attention of Secretary Lansing the presence of two mounted three-inch guns on the Italian steamship Giuseppe Verdi when he arrived in New York Thursday. While official information upon the subject was lacking, it was understood that the charge had made inquiries as to what action the United States, as a neutral, considered taking in the matter.

Secretary Lansing was said to have assured Baron Zwiedinek that the vessel would not be allowed to leave American waters before the questions involved had been disposed of. Officials in a position to be familiar with the attitude of the United States expressed the belief that the ship would not depart until the guns had been removed.

Whether the charge expressed the belief to Secretary Lansing that the ship, through being armed, had become a warship, and consequently was subject to internment, could not be definitely ascertained. It was believed, however, that the charge's status would be taken up informally with the Italian government.

Officials consider that in seeing to it that the ship does not sail from an American port with guns mounted on the deck, the United States will prevent possible charges of unneutral conduct should she by any chance use her armament for other than defensive purposes at some later time.

PLOT ECHO IN POISONING

John Burke, Accused in United States Bribery, May Die.

(By Telegraph to The Tribune.) Columbus, Ind., Jan. 8.—John Burke, who attained notoriety when charged with accepting a bribe in connection with government purchases for the Panama Canal, is in a critical condition on his farm near here as the result of arsenical poisoning.

Burke swallowed twenty grains of the poison, but whether it was with suicidal intent or by accident his wife refuses to say. The indictment against Burke was recently dismissed after an investigation of his affairs by Secret Service men.

COLONEL SHUNS PRIMARIES

His a Straight-Out Fight for Americanism, Reply to Minnesota Man.

Minneapolis, Jan. 8.—William T. Coe, of Minneapolis, announced at a meeting of local Progressives to-day the receipt of the following letter from Theodore Roosevelt, in reply to a question by Mr. Coe whether the Colonel would agree to his name being placed on the Minnesota Republican Presidential ballot.

"I cannot consent to my name being placed on any primary. What I am trying to do is to fight for straight-out Americanism. I am not concerned whatever with any individual, myself or anyone else."

Mr. Coe, in reply to a question by Mr. Coe whether the Colonel would agree to his name being placed on the Minnesota Republican Presidential ballot.

MILITIA CHECKS OHIO RIOTERS

Continued from page 1

cars of the Pennsylvania, used as barracks for the men, while, near by, a big office building had been turned into a mess hall. Not a wheel in the big plant, covering nearly a square mile of territory and extending three miles along the Mahoning River, was in motion. Only the clatter of a farm wagon backed against the time when men will again be permitted within the works, indicated that there was any idea of work.

Here Adjutant Miller issued a pass on the usual form, and through the works, deserted but for sentries here and there, we drove to the south gate, the scene of yesterday's rioting. This is reached by a viaduct over the Pittsburgh and Lake Erie tracks, nearly a third of a mile long, and wire strung ankle high along it indicates that some preparations had been made against the chance that the strikers might succeed in getting by the guards at the far end.

Nearer the gate fire hose, piles of stones and barrels of bricks were piled up. The strikers had been coming from coming to burn the bridge. He denied, however, that Whitman had talked about his possible appointment to the Public Service Commission. So many demands have been received

Just beyond, and in the village itself, the ruins of a dozen buildings still blazed; beyond the bridge head it was impossible to proceed by machine. Progress on foot was difficult, as the debris of the hanging wires, which might or might not be dead, as by the debris from what were once the best buildings in the place.

Here, J. H. Ivins, a young timekeeper of the company and one of the heroes of the rioting, who, on yesterday, with a handful of men, held the bridge against several thousand rioters until the company's guards could identify the few of the company's faithful who were reporting for work.

"It all started because the foreigners saw that they were too much for us," he said. "You see there had been trouble ever since Thursday, when they began shooting into the place and throwing bricks, as well as stopping the men from coming to work. That trouble was made, not by our men, but by some from the Republic works. To protect the bridge here we ran out the fire hose. For some time a grown-up soldier and they started for us, and then some of the guards came up. Then the shooting began by the strikers. They were

coming fast, and then the shots were returned. One man, the leader, got it right in the forehead. He dropped. That stopped them for a bit."

"I was away early, about 5:30. Before that it was not so bad. Then the first thing any one knew they had fired the paymaster's office there and the employment office. We could not get water to the works, and the strikers broke through the lines, and the buildings went. By that time there were enough guards here to hold the bridge."

His Nerve Saved the Bridge. Ivins did not make the claim, but the slight youngster who came here yesterday, after a day of fighting, having saved the bridge by sheer nerve. From the destruction of the paymaster's shack the rioters took to destroying other property. About the entrance to the works was a number of sections, usually found near such plants. First one and then another of these places were broken into and their contents distributed with a free hand. Cases of whiskey were thrown into the street and barrels of beer piled on the sidewalk.

Further down the street was a wholesale liquor shop, where dozens of barrels of whiskey, of the kind commonly described as squirrel, were stored. These were rolled into the street, the heads knocked in and the crowd helped itself, using both hands as basins with which to scoop up the stuff.

CRAZY, STABS 3 AT PENN STATION

Huge Italian Plunges Into
Crowd Brandishing Long
Knife—One May Die.

NEWSY'S BRICK FELS MANIAC FOR POLICE

Creeps Behind Him While Scanning Throng for New Victim—Clubs End Peril.

Dropping two heavy valises, a powerful, middle-aged Italian laborer stood muttering on the sidewalk in front of the Seventh Avenue entrance to the Pennsylvania Station at 8 o'clock last night. Folk hurrying to trains avoided him.

Shouting curses, the Italian grabbed a "newsie" and shook him fiercely. Then he drew a long-bladed jackknife. He released the "newsie," who darted for safety. Then the man dashed into the receding crowd, slashing left and right. The crowd scattered, some ran for a policeman, and two or three blew police whistles. Some scrambled upon the "buses" that lined the curb.

Charles Keck, of Beth Beach, was the first victim. With a yell the Italian plunged the knife into Keck's left shoulder. Then he lunged wildly at several others.

Louis Onia, a Hungarian, of 444 Manhattan Avenue, felt the steel next. No sooner had it been plunged into his breast over his heart than the Italian stabbed Gabor Devorsky, of 318 West 117th Street, in the arm.

The crowd man tried to make sure of his next victim, whom he stabbed twice in the right breast. This was Frederick T. Smith, of Jersey City, a porter.

Meanwhile, hurrying policemen put courage into some of the crowd. While persons on the "bus" tops shouted for aid a newsboy picked up a cobblesstone and crept up behind the Italian. As the man passed to single out another victim the cobblesstone felled him. As he arose Sergeant George Vette and Patrolmen Donovan, O'Connor and Carlin dashed for him.

A lunge at the sergeant missed its mark. The next moment Donovan and O'Connor used their clubs to subdue him. The man, who for the last three days has been at 34 Mulberry Street, whence he came from British Columbia, is Antonio Di Bari, a laborer. He was holding house it was said that Di Bari, disatisfied because he could not get passports to Italy, complained against conditions in New York and Ohio. He had relatives in Ohio. He bought a ticket for Pittsburgh yesterday afternoon, went out to get a drink, and had missed his train when he came back to the station.

SEEKS TO CASH SEA KNOCKS

Thessaloniki Survivor Sues for \$100 for Battering He Received.

Probably they don't read Conrad's or Connolly's sea stories in Turkey. And evidently Morgan Robertson's tales were never best sellers in Constantinople. At any rate the romance of a storm at sea never got a strange hold on William Williams, who hails from that city. He just came through a whole series of storms on the Thessaloniki, and he is now suing the National Steam Navigation Company, owners of the abandoned ship.

For amassing material that would serve new books, Williams wants \$400 personal damages and \$5 more for baggage he left behind when passengers were transferred to the Patria. He brought suit yesterday in the Admiralty branch of the Federal District Court.

To top his unappreciatedness Williams complains because he had to live on vegetables aboard the Thessaloniki for thirteen days.

"Find him for us and we'll have a barbecue," said the chap who looked like a Boy Scout. "We'll settle his hash."

While the flag was being desecrated others were going through the mail in the postoffice. After this had been cleaned out and an attempt made to force the safe the place was fired. To-night not even the walls are standing. This part of the affair brought a United States inspector into the district, and the indications are to-night that at least one of the 150 men held in the local jails on various charges may have to face a Federal grand jury.

All this time the local fire department was helpless. It tried to get to the fires, only to be driven off. Youngstown refused to send men or apparatus after several companies had been driven back into the city.

"Give us protection and we'll do anything, but he can't fight a mob on a fire, too," was the substance of the answer.

It was now well toward midnight, and the rioters took the strange freak of turning from the business sections, by this time well gutted, to the sections where they lived. Here men, crazed by the whiskey they had stolen, set fire to the places they called home, driving some of their womenfolk and children as had not already taken to the streets to places of safety.

Homes of Officials Spared. This fire was spreading rapidly when the city was raised. "On to Youngstown!" it was in the minds of the mob leaders and the houses of the district attorney, the city clerk and the city engineer. The idea was ambitious, but that was all there was to commend it, for the way to the Campbell home lay over an easily held road of five miles long, and even if they had overcome the police, who all along the line had proved incompetent, they would have faced the certainty of a counter force from the city.

Such a force was organized by Oscar Diner, a resident of Youngstown, City Solicitor of East Youngstown. With less than one hundred men the young lawyer made for the rioters, upon whom the police and Sheriff Limstead's men had been unable to make any impression, sweeping them right and left.

It is in dispute whether or not this force did any shooting, but the fact remains that an hour after they had started East Youngstown was comparatively quiet. Here and there a pistol sounded from the hills, the fires were allowed to burn themselves out, and the women and children who in terror had fled from their homes went back to shelter, but not to sleep.

WAR HERO DIES IN WANT

Major Cutler, Cavalry Officer During War of States.

HIS HERO LAURELS A DEATH CHAPLET

Freight Clerk Saves Boys, Then Is Left to Drown, Unnoticed by Crowd.

Laurels of a hero reaped upon the brow of Ira J. Stringham for but a moment yesterday, when, after rescuing two boys from drowning, he sank to death in the Morris Canal, forgotten by those who had witnessed his heroism. The boys he had saved were seized upon by a group of men, who hustled them off to their homes, evidently taking it for granted that their rescuer could take care of himself.

Peter Foster, eight years old, and Joseph Germer, nine years old, were playing upon the thin ice of the canal in Jersey City, when Germer fell through. Foster reached out to save him, and he, too, went into the water. Stringham, who was but sixteen years old, saw the boys from the freight house of a railroad where he was employed as a freight clerk.

Stringham hurried to the spot, threw off his coat and vest and sprang into the water. He worked out, holding to the edge of the crumbling ice, and managed to push the boys, one by one, to the shore. During the perilous progress men and boys gathered upon the shore, encouraging him by words, but offering little material assistance.

The icy water sapped Stringham's strength. Just as he snatched at bushes on the bank, he sank back into the water. Those on shore, meanwhile, were engrossed in thawing out the boys. By the time they were rescued Stringham had disappeared under the ice.

QUITS YUAN; IS SLAIN.

Former Chinese War Minister Falls Victim of Assassination.

San Francisco, Jan. 8.—Tuan Kee Sui, Minister of War of the Chinese Republic from the time of his appointment by Sun Yat Sen until his resignation, when Yuan Shi Kai announced his acceptance of the throne of China, as its Emperor, is dead in Pekin, at the hands of an assassin, according to word which reached San Francisco's Chinese quarter to-day.

1,200 See New "Masonic Glide."

Twelve hundred members of the National Lodge, F. and A. M., participated in a public installation of officers at the Masonic Temple, West Twenty-third Street and Sixth Avenue, last night. After the ceremony a banquet was served at the F. and A. M. Restaurant, followed by a dance in which the "Masonic Glide" made its first public appearance.

Hans Schmidt to Die Friday.

Warden Kirchwey has set Hans Schmidt's execution for Friday, giving him as long as possible to live. The decree of the Court of Appeals fixes the week beginning Monday, and does not designate the day. Warden Kirchwey follows the example of Warden Osborne, who spared the life of every slayer as long as he could.

STOWAWAYS RISK LIVES FOR MATES

Escape from Ship, Then Surrender to Relieve Comrades' Peril.

FLED FROM RUSSIA; TO RETURN IS DEATH

Sacrifice Unnecessary, as Brave Boys Get Freedom—Had 29-Day Trip in Dark.

Of all the immigrants in the large dining room only young, white-faced Elia Frumak, in American clothes sizes too big for him, did not touch his food. Bearded men plunged their forks into delicacies and sipped their tea in great gulps. From dinner to dinner the shouting waiters ran, bearing more bread, more dish, more meat.

"Why don't you eat?" a neighbor asked between mouthfuls. Elia shrugged his thin shoulders. To go without food was no new experience to him. For five days he had not tasted a thing while a stowaway with his companions in the hold of the Czartiza, which arrived from Archangel last week.

A form appeared in the doorway. The boy wore his oversized cap well down his thin face and he was lost in the suit that the management had a few hours before, on being released from Ellis Island, given him. He searched the rows of faces for one he knew.

"Elia!" he shouted suddenly. "Elia! My brother! My brother!" Solomon Chaffitz, fellow stowaway, ran to the side of Elia Frumak. The diners stopped their eating, forks poised in midair. "Bravo! Bravo!" they shouted, for they understood. They, too, had come to start a new life in a new land.

"We escaped from the Czartiza before they had a chance to catch us," said Elia, who left the ship with two other Jewish stowaways from the interior of Russia when the Russian American liner put into port Tuesday. "As soon as you left, the sailors fouled us out and turned us over to the authorities."

"They raised their glasses to Solomon. Tears of gratitude stole down his hollow cheeks and he brushed them away with his sleeve. Elia's arm stole about his shoulder. "Sit down, my brother," he said. Between mouthfuls Elia and Solomon told their story to the guests of the Hebrew Sheltering and Immigrant Aid Society. Their eyes burned with a wild light as they told of their escape from the interior of frozen Russia and conscription into the army.

"Six of us there were," said Elia, his face flushed. "We finally bribed a sailor, and he hid us in the interior of the ship. He came to us with food at first, and then he quarreled with his chief and we had nothing. For twenty-nine days we saw no light. Then came a day when Weiss, the sailor, no longer brought us water and bread. For five days that kept us then—then—"

The boy did not continue. He ran into his chair with his head pillowed in his arms. Solomon finished the tale. Elia suffered more than any one else. When, after five days of torture, he seemed on the point of dying, he held a consultation. We decided to save Elia here.

"We hanged on the door of the hold to attract the attention of the captain. We threw notes down into the cabin room. Then Weiss again came to our assistance. "Just how did you get away?" he heard a man asked of Elia. "Three of us escaped," he said. "The other three were caught. Solomon was one of them. When we heard that our brethren in distress were kept and kept, possibly by returned to Russia to be shot we decided to surrender ourselves. We did, but were released. Two of my companions left for home of relatives to-day. I waited to see Solomon."

"We three were also dismissed to-day," spoke up Solomon. "My two companions also left for the homes of relatives in various parts of the country. I, too, waited for my beloved friend Elia."

E. C. Benedict's Illness Slight.

Commodore E. C. Benedict is not seriously ill as was announced a few days ago from Key West, according to a statement given out yesterday at the offices of E. C. Benedict & Co., 50 Broadway. He was only slightly indisposed, and was himself again within twenty-four hours. Mr. Benedict will be joined on January 21 at Key West by a party of friends, who will take a grand cruise with him in Southern waters.

WAR HERO DIES IN WANT

Major Cutler, Cavalry Officer During War of States.

Ambulance men who answered a call to a lodging house at 26 William Street yesterday found Major Nathan Cutler, once a dashing officer of the Second Maine Cavalry, of Civil War fame, lying at the point of death through exposure and lack of nourishment. An hour later the seventy-year-old man died at the Volunteer Hospital.

Major Cutler had been living at the lodging house for several months on the \$25 a month allowed him by the government as compensation for the two wounds he received in action during the Civil War. Until a month ago another veteran had been his constant companion. The same difficulties that made Cutler's life hard caused the other veteran's death, however.

Since then, according to the lodging house people, the veteran had been heartbroken. His brother, D. E. G. Cutler, of Boston, was notified of his death.

Meanwhile, the Italian grabbed a "newsie" and shook him fiercely. Then he drew a long-bladed jackknife. He released the "newsie," who darted for safety. Then the man dashed into the receding crowd, slashing left and right. The crowd scattered, some ran for a policeman, and two or three blew police whistles. Some scrambled upon the "buses" that lined the curb.

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